



General Assembly

Substitute Bill No. 7196

January Session, 2017



AN ACT CONCERNING NONADVERSARIAL DISSOLUTION OF MARRIAGE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-44a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) An action for a nonadversarial dissolution of marriage may be
4 commenced by the filing of a joint petition in the judicial district in
5 which one of the parties resides. The joint petition shall be notarized
6 and contain an attestation, under oath, by each party that the
7 conditions set forth in subsection (b) of this section exist.

8 (b) An action brought pursuant to subsection (a) of this section may
9 proceed if, at the time of the filing of the action, the parties attest,
10 under oath, that the following conditions exist: (1) The marriage has
11 broken down irretrievably; (2) the duration of the marriage does not
12 exceed [eight] nine years; (3) neither party to the action is pregnant; (4)
13 no children were born to or adopted by the parties prior to, or during,
14 the marriage; (5) neither party has any interest or title in real property;
15 (6) the total combined fair market value of all property owned by
16 either party, [excluding all encumbrances, is less than thirty-five
17 thousand dollars] less any amount owed on such property, is less than
18 eighty thousand dollars; (7) neither party has a defined benefit pension
19 plan; (8) neither party has a pending petition for relief under the

20 United States Bankruptcy Code; (9) neither party is applying for or
21 receiving benefits pursuant to Title XIX of the Social Security Act; (10)
22 no other action for dissolution of marriage, civil union, legal separation
23 or annulment is pending in this state or in a foreign jurisdiction; (11) a
24 restraining order, issued pursuant to section 46b-15, or a protective
25 order, issued pursuant to section 46b-38c, between the parties is not in
26 effect; and (12) the residency provisions of section 46b-44 have been
27 satisfied. After the filing of the joint petition and prior to the court
28 entering a decree of dissolution of marriage pursuant to section 46b-
29 44c, if a change occurs with respect to any of the conditions set forth in
30 this subsection, one or both of the parties shall notify the court
31 forthwith of the changed condition. For the purposes of this
32 subsection, "defined benefit pension plan" means a pension plan in
33 which an employer promises to pay a specified monthly benefit upon
34 an employee's retirement that is predetermined by a formula based on
35 the employee's earnings history and tenure of service.

36 (c) In addition to attesting to the conditions enumerated in
37 subsection (b) of this section, any joint petition filed pursuant to
38 subsection (a) of this section shall also state the date and place of
39 marriage and the current residential address for each party.

40 (d) A joint petition shall be accompanied by financial affidavits
41 completed by each party on a form prescribed by the Office of the
42 Chief Court Administrator, a request for the court to order the
43 restoration of a birth name or former name, if so desired by either
44 party, and a certification attested to by the parties, under oath, that: (1)
45 The parties agree to proceed by consent and waive service of process;
46 (2) neither party is acting under duress or coercion; and (3) each party
47 is waiving any right to a trial, alimony, spousal support or an appeal.

48 (e) If the parties submit a settlement agreement to the court that
49 they are requesting be incorporated into the decree of dissolution, such
50 settlement agreement shall be filed with the joint petition. Each party
51 shall attest, under oath, that the terms of the settlement agreement are
52 fair and equitable. If the court finds that the settlement agreement is

53 fair and equitable, it shall be incorporated by reference into the decree
54 of the court. If the court cannot determine whether such agreement is
55 fair and equitable, the matter shall be docketed for the court's review
56 in accordance with the provisions of section 46b-44d, as amended by
57 this act.

58 (f) The provisions of subsection (a) of section 46b-67 shall not apply
59 to a nonadversarial dissolution action brought under this section.

60 Sec. 2. Section 46b-44d of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2017*):

62 (a) If after review of a settlement agreement filed pursuant to
63 subsection (e) of section 46b-44a, as amended by this act, the court
64 cannot determine whether such settlement agreement is fair and
65 equitable, the matter shall be docketed on a date not later than thirty
66 days after the assigned disposition date and the court shall command
67 that the parties appear before the court on such date. If the court
68 determines that the settlement agreement is fair and equitable, the
69 court may enter a decree of dissolution of marriage. If the court is
70 unable to make such a determination, the court may order the
71 termination of the nonadversarial dissolution action and order that the
72 matter be placed on the regular family docket of the Superior Court.

73 (b) If after review of the joint petition, the court does not enter a
74 decree of dissolution of marriage pursuant to subsection (b) of section
75 46b-44c, the matter shall be docketed on a date not later than thirty
76 days after the assigned disposition date and the court shall command
77 that the parties appear before the court in order for the court to
78 determine if the criteria in section 46b-44a, as amended by this act,
79 have been met, and whether a decree of dissolution of marriage may
80 enter. If the court does not enter the decree of dissolution of marriage,
81 the court may order the termination of the nonadversarial dissolution
82 action and order that the matter be placed on the regular family docket
83 of the Superior Court.

84 (c) If the matter is placed on the regular family docket of the
85 Superior Court pursuant to subsection (a) or (b) of this section, all
86 provisions of this chapter, except for the provisions of subsection (a) of
87 section 46b-45, as amended by this act, shall apply to the matter. No
88 new filing fee shall be imposed by the court.

89 Sec. 3. Section 46b-45 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2017*):

91 (a) A proceeding for an annulment, a dissolution of a marriage or
92 civil union or a legal separation shall be commenced by the service and
93 filing of a complaint as in all other civil actions in the Superior Court
94 for the judicial district in which one of the parties resides. The
95 complaint may also be made by the Attorney General in a proceeding
96 for annulment of a void marriage. The complaint shall be served on the
97 other party.

98 (b) Any person entitled to service of process of a summons and
99 complaint that commences an action for an annulment, a dissolution of
100 marriage, a dissolution of civil union or a legal separation may waive
101 such service by (1) executing a written waiver of service on a form
102 prescribed by the Office of the Chief Court Administrator, and (2)
103 filing an appearance with the court. Upon filing of both the waiver of
104 service and the appearance of the person waiving such service, the
105 action shall proceed as consistent with the provisions of this chapter.

106 [(b)] (c) If any party is an inmate [of a mental institution in this state]
107 who is (1) committed to the custody of the Commissioner of
108 Correction, and (2) a patient in a hospital for psychiatric disabilities, a
109 copy of the complaint shall be served on the Commissioner of
110 Administrative Services personally or by registered or certified mail. If
111 any party is confined in an institution in any other state, a copy shall
112 be so served on the superintendent of the institution in which the party
113 is confined.

114 Sec. 4. Subsection (a) of section 46b-66 of the general statutes is

115 repealed and the following is substituted in lieu thereof (*Effective*
 116 *October 1, 2017*):

117 (a) [In] Except as provided in section 46b-44c, in any case under this
 118 chapter where the parties have submitted to the court [an] a final
 119 agreement concerning the custody, care, education, visitation,
 120 maintenance or support of any of their children or concerning alimony
 121 or the disposition of property, the court shall inquire into the financial
 122 resources and actual needs of the spouses and their respective fitness
 123 to have physical custody of or rights of visitation with any minor child,
 124 in order to determine whether the agreement of the spouses is fair and
 125 equitable under all the circumstances. If the court finds the agreement
 126 fair and equitable, it shall become part of the court file, and if the
 127 agreement is in writing, it shall be incorporated by reference into the
 128 order or decree of the court. If the court finds the agreement is not fair
 129 and equitable, it shall make such orders as to finances and custody as
 130 the circumstances require. If the agreement is in writing and provides
 131 for the care, education, maintenance or support of a child beyond the
 132 age of eighteen, it may also be incorporated or otherwise made a part
 133 of any such order and shall be enforceable to the same extent as any
 134 other provision of such order or decree, notwithstanding the
 135 provisions of section 1-1d.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46b-44a
Sec. 2	<i>October 1, 2017</i>	46b-44d
Sec. 3	<i>October 1, 2017</i>	46b-45
Sec. 4	<i>October 1, 2017</i>	46b-66(a)

Statement of Legislative Commissioners:

In Section 4(a), "subsection (c) of section 46b-44" was changed to "section 46b-44c" for accuracy.

JUD *Joint Favorable Subst.*